



Washington State Department of Agriculture News Release

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WSDA issues fines for pesticide-use violations for 2nd Quarter

OLYMPIA – The Washington State Department of Agriculture (WSDA) issued fines totaling \$38,300 and imposed license suspensions during the second quarter of 2011 for violations of state pesticide laws and rules. Fines ranged from \$350 to \$25,000 for incidents that occurred in Chelan, Clallam, Douglas, Franklin, Grant, Mason, Pierce and Yakima counties.

Among the concluded cases were incidents involving the improper disposal of pesticides and pesticide containers, damaged residential landscapes, trees and agricultural commodities through the careless use of pesticides, and reported illnesses due to use of a pesticide that is not allowed to be used in homes. WSDA completed investigations and issued fines or license suspensions as follows:

Double H, LP and James Hansen, Yakima. WSDA alleged that Double H, LP and James Hansen improperly disposed of pesticide and pesticide containers. Double H, LP and James Hansen agreed to pay \$25,000 but did not admit fault in the matter.

Kim Delay, Blackhawk Orchard, Royal City. WSDA alleged that in July 2010 an orchard pesticide application supervised by Delay drifted onto an adjacent timothy hay field making the hay unfit for market. The matter was resolved when Delay agreed to pay \$350 and accept a five-day suspension of his private applicator license.

Tracy Ekstedt, Moses Lake. WSDA alleged that in May 2010, while working for Bishop Spray Service at the time, Ekstedt damaged a residential landscape when he used the wrong herbicide. The matter was resolved when Ekstedt agreed to pay \$900.

William Goheen, Seattle. WSDA alleged that in August 2010 Goheen applied a mole and gopher killer to his lawn at his Phillips Lake property in Mason County. He intended to get rid of Canada geese which were causing a nuisance. At least five geese died and a number more were injured or died later. The matter was resolved when Goheen agreed to pay \$2,500.

Rovin and Marlene Martin, Puyallup. WSDA alleged that in April 2010 the Martins applied a granular insecticide in the attic of their duplex rental. The insecticide is not allowed to be used in homes. Some of the tenants became ill from the exposure, including a woman who was nine weeks pregnant. The matter was resolved when the Martins agreed to pay \$2,000.

Brian Nielsen, Moses Lake, was fined \$900 for damaging a number of trees at a residence in Ephrata. In 2009 and again in 2010, Nielsen applied a soil sterilant to the gravel areas and roadside right-of-way at the residence. Nearby trees absorbed some of the herbicide through their roots and were extensively damaged.

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Luther Phillips, Applebee Aviation, Inc., Banks, Oregon, was fined \$450 and his license was suspended for seven days. In June 2010, while making an herbicide application by helicopter to a forestry site in Clallam County, Phillips sprayed the wrong clear-cut and heavily damaged a two-year old western hemlock plantation.

David Twitchell, Pests-Or-Us, Wenatchee. After an inspection in May 2010 at the Pests-Or-Us facilities, WSDA alleged that Twitchell was storing pesticides, including some that were highly toxic, in a manner that endangered the public. Twitchell also was not keeping adequate records of his applications. The matter was resolved when Twitchell agreed to pay \$1,800 and accept a 25-day suspension of his license. In another incident involving Twitchell, he was fined \$1,300 and his license was suspended for 20 days. Roadside applications made by Twitchell in April 2010 damaged nearby trees along the roadside.

Dan Wilson, East Wenatchee. WSDA alleged that Wilson damaged his neighbor's landscape plants while making an herbicide application to the drainage ditch that runs between their properties. The matter was resolved when Wilson agreed to pay \$400.

While conducting inspections at farms for compliance with state and federal Worker Protection Standards, WSDA compliance staff found two cases where agricultural employers failed to provide adequate decontamination supplies and personal protective equipment for pesticide handlers. Fines related to Worker Protection Standards inspections conducted last year were issued to:

- Middleton and Six Sons Farms, Pasco, \$900
- Frosty Ridge Orchards, LLC, Yakima, \$1,800

Penalty matrix used by WSDA to levy fines and suspensions

A penalty matrix is used to ensure penalties are uniform and fair. The matrix takes into account the seriousness of the violation, whether it is a first or a repeat offense, and whether there are any aggravating or mitigating factors involved. Larger penalties often reflect repeat offenses or multiple violations within the same incident.

WSDA enforces state and federal laws to protect people, property and the environment against the improper use of pesticides. Staff also provides technical assistance to the pesticide industry and consumers, and enforces the rules on structural inspections for wood destroying organisms, such as wood rot, carpenter ants or termites. The agency registers more than 11,000 pesticide products, licenses about 22,000 pesticide applicators, dealers, consultants and structural pest inspectors.

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